

SENATE BILL 75

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SB 213/02 - EHE

2003 Regular Session  
3r0658

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By: **Senators Dyson, Colburn, DeGrange, Frosh, Giannetti, Harris, Hooper, Kittleman, Lawlah, Mooney, and Stone**

Introduced and read first time: January 20, 2003

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Charter School Act of 2003**

3 FOR the purpose of establishing the Maryland Public Charter School Program;  
4 adding a certain definition; establishing certain authority in certain boards;  
5 specifying certain charter school application requirements; prohibiting a county  
6 board from granting a charter to certain schools; requiring a county board to  
7 review an application to establish a charter school and render a decision within  
8 a certain time period; establishing a certain appeals process; establishing a  
9 certain certification requirement; requiring county boards to develop a certain  
10 policy; establishing a certain liaison for the Program; and generally relating to  
11 the Maryland Public Charter School Program.

12 BY adding to

13 Article - Education

14 Section 9-101 through 9-106, inclusive, to be under the new title "Title 9.

15 Maryland Public Charter School Program"

16 Annotated Code of Maryland

17 (2001 Replacement Volume and 2002 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Education**

21 **TITLE 9. MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.**

22 9-101.

23 (A) THERE IS A MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

24 (B) THE GENERAL PURPOSE OF THE PROGRAM IS TO ESTABLISH AN  
25 ALTERNATIVE MEANS WITHIN THE EXISTING PUBLIC SCHOOL SYSTEM IN ORDER TO  
26 PROVIDE INNOVATIVE LEARNING OPPORTUNITIES AND CREATIVE EDUCATIONAL  
27 APPROACHES TO IMPROVE THE EDUCATION OF STUDENTS.

1 9-102.

2 IN THIS TITLE, "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC SCHOOL THAT:

3 (1) IS NONSECTARIAN IN ALL ITS PROGRAMS, POLICIES, AND  
4 OPERATIONS;

5 (2) IS A SCHOOL TO WHICH PARENTS CHOOSE TO SEND THEIR  
6 CHILDREN;

7 (3) IS OPEN TO ALL STUDENTS ON A SPACE-AVAILABLE BASIS AND  
8 ADMITS STUDENTS ON A LOTTERY BASIS IF MORE STUDENTS APPLY THAN CAN BE  
9 ACCOMMODATED;

10 (4) IS A NEW PUBLIC SCHOOL OR A CONVERSION OF AN EXISTING  
11 PUBLIC SCHOOL;

12 (5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY  
13 EDUCATION OR BOTH;

14 (6) OPERATES IN PURSUIT OF A SPECIFIC SET OF EDUCATIONAL  
15 OBJECTIVES;

16 (7) IS TUITION-FREE;

17 (8) IS SUBJECT TO FEDERAL AND STATE LAWS PROHIBITING  
18 DISCRIMINATION;

19 (9) IS IN COMPLIANCE WITH ALL APPLICABLE HEALTH AND SAFETY  
20 LAWS; AND

21 (10) IS CREATED IN ACCORDANCE WITH THIS TITLE AND THE  
22 APPROPRIATE COUNTY BOARD POLICY.

23 9-103.

24 (A) THE PRIMARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING OF  
25 CHARTERS SHALL BE THE COUNTY BOARDS OF EDUCATION.

26 (B) THE SECONDARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING  
27 OF CHARTERS SHALL BE THE STATE BOARD ACTING IN ITS APPEAL REVIEW  
28 CAPACITY.

29 (C) THE STATE BOARD MAY CREATE ADDITIONAL PUBLIC CHARTERING  
30 AUTHORITIES.

31 9-104.

32 (A) (1) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL  
33 BE SUBMITTED TO THE COUNTY BOARD OF THE COUNTY IN WHICH THE CHARTER  
34 SCHOOL WILL BE LOCATED.

1 (2) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE  
2 SUBMITTED TO A COUNTY BOARD BY:

3 (I) THE STAFF OF A PUBLIC SCHOOL;

4 (II) A PARENT OR GUARDIAN OF A STUDENT WHO ATTENDS A  
5 PUBLIC SCHOOL IN THE COUNTY;

6 (III) A NONPROFIT ENTITY;

7 (IV) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

8 (V) ANY COMBINATION OF PERSONS SPECIFIED IN ITEMS (I)  
9 THROUGH (IV) OF THIS PARAGRAPH.

10 (3) A COUNTY BOARD MAY NOT GRANT A CHARTER UNDER THIS TITLE  
11 TO:

12 (I) A PRIVATE SCHOOL;

13 (II) A PAROCHIAL SCHOOL; OR

14 (III) A HOME SCHOOL.

15 (4) THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER  
16 A DECISION WITHIN 120 DAYS OF RECEIPT OF THE APPLICATION.

17 (B) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC  
18 CHARTER SCHOOL, THE APPLICANT MAY APPEAL THE DECISION TO THE STATE  
19 BOARD, IN ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE.

20 9-105.

21 A MEMBER OF THE PROFESSIONAL STAFF OF A PUBLIC CHARTER SCHOOL  
22 SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

23 9-106.

24 (A) EACH COUNTY BOARD SHALL DEVELOP A PUBLIC CHARTER SCHOOL  
25 POLICY AND SUBMIT IT TO THE STATE BOARD.

26 (B) THE DEPARTMENT SHALL DESIGNATE A STAFF PERSON TO FUNCTION AS  
27 A CONTACT PERSON FOR THE MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
29 effect October 1, 2003.